

Justin Fok, Esq., CA State Bar #242272
Law Offices of Jean D. Chen
2107 N. First Street, Suite 300
San Jose, CA 95131
Telephone: (408) 437-1788
Facsimile: (408) 437-9788
Email: jfok@jclawoffice.com

Attorney for Plaintiff
Hao Xu

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Hao Xu,

Plaintiff,

v.

Alberto Gonzales, United States Attorney
General, U.S. Department of Justice;
Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director of United States
Citizenship and Immigration Services;

Defendants.

Case No. C07-3383 PVT

**PARTIES JOINT REQUEST TO BE
EXEMPT FROM FORMAL ADR
PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them. Here, the parties agree that referral to a formal ADR process

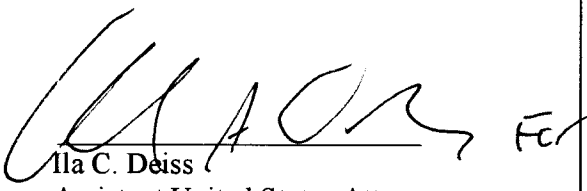
1 will not be beneficial because this mandamus action is limited to plaintiff's request that this
2 Court compel defendants to adjudicate the application for adjustment of status. Given the
3 substance of the action and the lack of any potential middle ground, ADR will only serve to
4 multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR
5 L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and
6 that they be excused from participating in the ADR phone conference and any further formal
7 ADR process.

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9 Respectfully Submitted,

10 Dated: September 11, 2007

_____/s/
Justin G. Fok
Attorney for Plaintiff

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14 Dated: Sept. 11, 2007


Ila C. Deiss
Assistant United States Attorney
Attorney for Defendants

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19 **ORDER**

20 Pursuant to stipulation, IT IS SO ORDERED.

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22 Date:

Patricia V. Trumbull
United States Magistrate Judge